

RECEIVED  
CENTRAL FAX CENTER

MAR 08 2006

# FAX

**ATTN.** Nilesh R. Shah

**Fax Number** 1 571 273 8300

**Phone Number** 571 272 3771

**FROM** Volel Emile, Esq.

**Fax Number** 512 306 0240

**Phone Number** 512 306 7969

**SUBJECT** Notice of Appeal (10/082,746)

**Number of Pages** 6

**Date** 3/8/2006

## **MESSAGE**

This fax communication contains:

1. one copy of a Fax Transmittal foForm; and
2. two copies of the Notice of Appeal, including a Fee Transmittal Letter and fee.

Volel

MAR 08 2006

PTO/859121 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(To be used for all correspondence after Initial filing)

Total Number of Pages in This Submission

Application Number	10/052,746
Filing Date	02/21/2002
First Named Inventor	Jack Allen Alford, Jr.
Art Unit	2180
Examiner Name	Nilesh R. Shah
Attorney Docket Number	AUS920010887US1

## ENCLOSURES (Check all that apply)

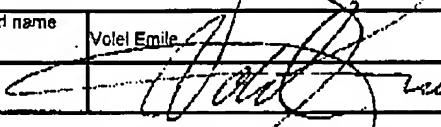
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks Notice of Appeal.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Volel Emile
Signature	
Date	03/08/2006

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Volel Emile
Signature	
Date	03/08/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTERAppl. No. 10/082,746  
Notice of Appeal dated 03/08/2006  
Reply to Office Action of 12/29/2005

MAR 08 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: :  
Jack Allen Alford, Jr. :  
Serial No: 10/082,746 : Before the Examiner:  
: Nilesh R. Shah  
Filed: 02/21/2005 : Group Art Unit: 2195  
: Confirmation No.: 5334  
Title: APPARATUS AND METHOD :  
OF DYNAMICALLY :  
REPARTITIONING A COMPUTER :  
SYSTEM IN RESPONSE TO :  
PARTITION WORKLOADS :  
:

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby appeal to the Board of Appeals from the Decision of the Primary Examiner of December 29, 2005 finally rejecting claims 1 - 52.

The Item(s) marked below are appropriate:

1.  A petition and fee for extension of term for reply to the final rejection is attached.
2.  Appeal fee  
 other than a small entity. Fee: \$500.00
3.  Payment  
 Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

BEST AVAILABLE COPY